

Charleston - Section 11 B - 3

THE POCAHONTAS TIMES

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CALVIN W. PRICE, EDITOR

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The trip last week was over to Clarksburg to rehash a few feeble jests before that friendly society, the Kiwanis Club, and tell them builders where to head in. The invite came through the courtesy of Rupert Sinsel. He is a kinsman through the Warwick line. I am only hoping I did not say too much to disgrace the family reputation in those parts.

The Sinsels are a strong family connection in Borbour county. Their connection with the Warwick relationship is through the marriage of a daughter of Charles Cameron See, son of Adam and Mary Warwick See, the latter a daughter of Major Jacob Warwick of Pocahontas county. Charles Cameron See's wife was a daughter of Dr Squire Bosworth of Beverly.

I recall my father, the late Dr. William T. Price, telling intrestingly of a visit he paid to the Sensel family when he went out with the Tin Cup Campaign to Grafton in 1861 to defend the Commonwealth from invasion from the north. The Sinsel children said they were glad to see cousin, but for the sake of peace and harmony not to talk war before Grand pa Sinsel, and not to mention the mission which brought him to those parts. He could get by all right, as no uniforms had been issued to the Virginia soldiers for this first campaign.

Morning came after a pleasant social evening and a night of restful repose. Like in all regulated households, then as now, the day was fairly begun with family prayer. The old patriarch had the young minister read the Scripture portion, but he reserved to himself the matter of leading the prayer. The gist of the most fervent petitions was that the Union of States be preserved; by gentle persuasion if possible, but by unleashed force if necessary.

I have the impression pa did not especially appreciate being prayed against, but what could he do about it?

For about eight years—from 1784 to 1792—from Saulsbury Run to Swago Creek, from Boyer to Buckeye,

grandjury return indictments for murder against many of our prominent people. They had been Confederate soldiers, and were halled before a civil court to answer for acts of war.

It kind of leaked out that the indictment would be quashed by the judge for cash consideration. I never heard tell of any of the true bills being taken care of in this easy, quiet, crooked way. My recollection is the court records will show the indictment aga'nst Captain Jacob W Marshall, of the 19th Virginia Cavalry, was not thrown out of court until sometime in the eighties when Judge Homer Holt was on the bench.

Anyway the people quietly organized a lynching bee to deal summarily with the Judge Harrison on his return to Lewisburg from the Hunterville court. In some way the word leaked to the judge and he went home by way of Anthony Creek instead of the usual route, the Lewisburg and Marlins Bottom Turnpike. I have heard the rspe was to be tied to the Marlinton bridge when they dropped the judge in the river.

Then the judge got in a mess at the Lewisburg court; got knocked through a window by the clerk of the court; went west and died within my own recollection in a poor house in Colorado.

All this is just leading up to say that the late Spencer Dayton appeared on the scene at a time when a lot of good people were in need of an advocate. The local attorneys were debarred by reason of the test oath. They could not swear they had not aided and abetted the late Southern Confederacy.

Incidentally one of them, Captain D. A. Stopper did stand and so swear. Having raised a whole company, called the Pocahontas Rescues, and marched them off in the Tin Cup Campaign to Phillippi as their captain; having collected some five minnie balls in his body during the following four years of war, the doughty captain was promptly indicted for false swearing. Then he too apparently stood in need of an advocate as much as anybody else.

It was Spencer Dayton who came into the breach. He came here from Summersville, over the Nicholas Trail through the Black Forest. It is said he disliked to wear shoes, and that he walked the distance barefooted, carrying his shoes and only putting them on when he came in sight of the court house. Anyway, the see

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a big part of Pocahontas was in the original confines of Harrison county. However, times were such, our people did not do much business so far as the records go in their county seat a week's walk away on the West Fork of the Monongahela. If ever I get a peaceful moment in Clarksburg I will look up the court records for those eight years.

The Harrison County Line it still a landmark here. Beginning at the Ohio River below Parkersburg it crossed Williams River at the Falls and Greenbrier River at the Buckley Rocks above the mouth of Swago and thence to the Top of Alleghany where the Greenbrier and Pocahontas line corners on the State boundary. This survey was made in 1785. This line dividing Botetourte and Alleghany, had been projected years before. It was recognized though never surveyed. The reason I say recognized is the Ewings, Kinnisons and McNeels went to Point Pleasant in 1774 with Botetourte companies, for they lived below Swago; the Poages, Johnsons, Moores, Warwicks, Camerons, who lived above Swago, went out with Augusta companies.

About all that can be said about our people being a part of Harrison county is that while it was so said on the book for eight years they were a part of it, in reality they did not know nor do much about it.

In counties west of us, the bearing of the old Harrison county line was taken by the old surveyors as the base line in running out the land grants.

The Sinsel family is connected with the Dayton family. The wife of Judge A. G. Dayton was a Miss Sinsel; their son is the Honorable Arthur Dayton of Charleston, leading lawyer, outstanding Shakesperian scholar of his generation, and a recognized art critic in the field of picture painting. What I am leading up to say is the late Judge Dayton was the son of the late Spencer Dayton. He came from Connecticut along about some time in the early fifties or late forties to practice law. This he did extensively in a whole block of counties which are now in central West Virginia. Incidentally when his grandson, Arthur, moved from Philippi to Charleston some years since, the name of Dayton was removed from the list of attorneys at the bar of Barbour county, where it held honorable position for eighty years—grandfather, son and grandson.

Spencer Dayton is a tradition in Pocahontas county, and I have let the old people die off without finding out about his practice and service here in reconstruction times. Of course his family has written some thing about him and his ancestors tracing the line over to Old England and even running it down to Runny Meade, whatever and wherever that was. I reckon I ought not admit I am so provincial and narrow as to have small interest beyond my own Valley and State. But then doggone a man can easily take in too much territory and spread himself too thin. A man's responsibility must need have boundary somewhere.

vice of a strong lawyer was then available to an opposed people. I don't know of any of the trumped up murder cases coming to trial; certainly there were no convictions; eventually through the years the indictments were thrown out of court.

As for the indictment against Captain Stupper in some way appeal was taken to the Federal Court at Clarksburg, where the case was baffled along until the state restored the right of franchise to the Confederate soldier, and then dropped.

This, sketchily, is the tradition of Spencer Dsyton, the lawyer from the North, in Pocahontas county at a time when a lot of good people sure needed the help he so ably and so cheerfully rendered them.

You know, I never pose as a person with a message. In fact, when it comes to men with messages and women with missions, I devoutly ask a merciful heaven to deliver us, along with sudden death, bone erysipelas and poison ivy. However, I did tell those West Forkers down in Clarksburg that since their hick town was now something more than a wide place on the old Northwest Pike it was about time they were realizing the need of culture, and for heaven's sake to do the right thing by Salem College. This fine old school is eking out a somewhat precarious existence. Once it was down the pike away, it is now just exactly far enough out in a suburban area. It is living up to and beyond its honorable traditions by doing a bigger and better work than ever before. Woefully is it handicapped by cut throat competition from State supported schools—which cannot be helped—and through lack of means to really meet the demands for higher education by Clarksburg boys and girls, so many of whom cannot go elsewhere—which can be helped.

It happens to be in name a Baptist College—tank or deep water I cannot say—but I do say the West Forker who would refuse moral and financial support to such a local institution because it bears not the name of his particular persuasion, the lid of the pit is popping for his lean old narrow soul.

I tried to tell them what the city of Richmond had done for the University of Richmond, a so called denominational college; what Huntington had done for Marshall College; what Charleston is liable to wake up and do for Morris Harvey; how Morgantown has been dead asleep at the switch as regards any apparent local interest, which would cost anything in the way of money and effort, for the advancement of West Virginia University.

Oh, I tried to throw the gad to those boys of the friendly society, who talk so big of service. For after all is said and done, the ordinary institution of higher learning—whether denomination, State or endowment proposition—is first and foremost a local industry. Regardless of everything, such institutions flourish or languish in relation to the light of community culture, whether bright or flickery.

*After the Civil War
Indictments
and
The Test Oath*

W. V. McLaughlin,

In the years immediately following the war between the states, the reconstruction judge was a carpetbagger from Vermont or New Hampshire by the name of Nat Harrison. He had come into prominence somewhat as attorney for defense in the last trial for piracy on the high seas. This was in a Federal Court in New York. The brilliant young lawyer won decision to clear his clients of the charge.

About fifteen years after the celebrated trial, Attorney Nat Harrison turns up at Lewisburg as the Circuit Judge for the Greenbrier Valley counties. To say the least, he was an unlovely character. One item in many counts our people hold against Judge Harrison was his having the

The space is all used up and not a word about that local Clarksburg institution, Wade Pepper, writer extraordinary for the Clarksburg Exposition; Carlisle Wade, a Marlinton boy making good with the West Penn; who was so nice to me; how I missed seeing Forrest McNeill by a day, like has happened every time so often the past forty years; how Paul McNeill, another Pocahontas product, treated me so kindly.

I did the best I knew how to please. I started out in a lady-like glow; soon I perspired in a gentlemanly way, and wound up sweating like a horse. I am not going back unless they ask me.

Apr. 11, 43

Nelle Y. McLaughlin,
Marlinton, W. Va.

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Chapter 4

POCAHONTAS COUNTY

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(Confederate Soldiers from Pocahontas County.)

ARBOGAST, J. C.	Major	Co. G. 31st.	Va. Regiment.
ARBOGAST, Geo. W.	-----	Co. G. "	" "
ARBOGAST, Paul	-----	Co. F. 19th.	" "
ARBOGAST, Dome	-----	Co. I. 25th.	" "
AMISS, A. D.	-----	Co. F. 19th.	" "
ALDERMAN, Andy C.	-----	Co. I. 25th.	" "
ALBAUGH, Geo. B.	-----	Co. G. 31st.	" "
ALBAUGH, John	-----		
ALBAUGH, James	-----		
ARMENTROUT, Chas.	-----	Co. F. 19th.	" "
AULDRIDGE, John	-----	Co. D. 14th.	" "
AULDRIDGE, T. M.	-----	19th.	" "
AULDRIDGE, Wm. H.	-----	Co. D. 14th.	" "
BARNETT, Stephen	-----	Co. F. 19th.	" "
BARNETT, James	-----	Co. A. 62nd.	" "
BARNETT, Thomas	-----	Co. A. 62nd.	" "
BEARD, Chas. W.	-----	Co. F. 19th.	" "
BEARD, E. L. (SERGT.)		Co. F. 11th.	" "
BEARD, J. H. M.	-----	Co. F. 11th.	" "
BEARS, Jno. G.	-----	Co. F. 11th.	" "
BEARD, W. W.	-----	Co. F. 11th.	" "
BEARD, Jno. J. (Lieut.)		Co. F. 19th.	" "
BEARD, Joel M.	-----	Co. G. 31st.	" "
BEARD, Samuel	-----		
BEVERAGE, Levi	-----	Co. A. 62nd.	Va. Regiment.
BEVERAGE, Jos.	-----	Co. A. "	" "
BEVERAGE, Jacob	-----	Co. A. "	" "